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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

Certified Mail #7001 0320 0002 9837 2314  
Return Receipt Requested

|                                |   |                       |
|--------------------------------|---|-----------------------|
| In the Matter of               | ) |                       |
|                                | ) |                       |
| American Workboats             | ) | File No. EB-04-HL-019 |
| Licensee of Ship Radio Station | ) |                       |
| AMERICAN EMERALD, WAB8906      | ) |                       |
| Documentation Number 549929    | ) |                       |
| Pier 14, First Floor           | ) | NOV No. V20043286003  |
| Honolulu, Hawaii 96817         | ) |                       |
|                                | ) |                       |
|                                | ) |                       |

**NOTICE OF VIOLATION**

**Released: April 13, 2004**

By the Honolulu Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to American Workboats, licensee of ship radio station AMERICAN EMERALD, WAB8906.

2. On April 12, 2004, an agent of the Commission's Honolulu Office inspected ship radio station AMERICAN EMERALD, documentation number 549929, moored at the Pier 13, Honolulu Harbor, Hawaii, and observed the following violation:

47 C.F.R. § 80.89(a): "Stations must not engage in superfluous radio communications." Transmissions by emergency position indicating radiobeacons (EPIRBs) are intended to be actuated manually or automatically and operated automatically as part of a ship or a survival craft station as a locating aid for survival purposes. The EPIRB on board the vessel AMERICAN EMERALD was apparently activated by improper storage or handling while the vessel was undergoing maintenance.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, American Workboats, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 U.S.C. § 308(b).

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violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Honolulu Office  
P.O. Box 971030  
Waipahu, Hawaii 96797-1030

4. This Notice shall be sent by certified mail, return receipt requested, to American Workboats, Pier 14, First Floor, Honolulu, Hawaii 96817.

5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

John R. Raymond  
Resident Agent  
Honolulu Office

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<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*

